

UCP Annual Notice for 2021-22

For stakeholders including students, employees, parents/guardians of its pupils, district advisory committees, school advisory committees, private school officials or representatives, and other interested parties

The Panama-Buena Vista Union School District has the primary responsibility for compliance with federal and state laws and regulations. The District has established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

The District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the District, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

Educational Programs and Service covered by the UCP:

- After School Education and Safety (ACES)
- Child Care and Development (including State Preschool Programs)
- Child Nutrition Programs
- Discrimination, harassment, intimidation, bullying, student lactation accommodations, and Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) resources
- Requirements related to the educational rights of Foster and Homeless students and children of military families
- Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP)
- Federal education programs (Titles I-VII) including improving academic achievement, compensatory education, English Learner programs, American Indian Education, migrant education, school safety plans and Every Student Succeeds Act [ESSA]
- Pupil Instruction: Course Periods without Educational Content or Previously Completed Courses
- Special Education Programs
- Title IX Programs, Physical Education Instructional Minutes, Tobacco Use Prevention Education
- Unlawful Pupil Fees

A pupil fees and/or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. A pupil fees complaint is filed with the District and/or the principal of the school.

Complaints other than issues relating to pupil fees must be filed in writing with the following designated to receive complaints:

Assistant Superintendent of Education Services, 4200 Ashe Road, Bakersfield, CA 93313, 661.831.8331

Foster youth, homeless students, former juvenile court school students and children of military families shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the District Liaison for Foster and Homeless Youth to assist the student in ensuring proper transfer of credits, records, and grades when transfers occur between school or between districts.

Complaints alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying based on the person's race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age religion, marital status, pregnancy parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression or genetic information, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee. **All complainants shall be protected from retaliation.**

Complaints will be investigated and a written decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The District person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621. Discriminatory complaints related to Food Nutrition Services are forwarded to CDE or USDA.

The complainant has a right to appeal the decision regarding specific programs, pupil fees and the LCAP to California Department of Education (CDE) or other public agencies, such as the US Department of Education's office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) by filing a written appeal within 15 days of receiving the decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of the decision.

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

A copy of the District's UCP policies and procedures is available free of charge at the District Office or on the District website: www.pbvUSD.k12.ca.us